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September 10, 2009

DEPARTMENT OF ENERGY
OFFICE OF HEARINGS AND APPEALS

Hearing Officer's Decision

Name of Case: Personnel Security Hearing

Date of Filing: March 30, 2009

Case Number: TSO-0722

This Decision concerns the eligibility of XXXXXXXXXXXX(hereinafter referred to as "the individual") to hold an access authorization 1/ under the Department of Energy's (DOE) regulations set forth at 10 C.F.R. Part 710, Subpart A, entitled, "General Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." As discussed below, after carefully considering the record before me in light of the relevant regulations, I have determined that the individual's access authorization should not be restored.

I. Background

The individual has held a "Q" clearance since 1994. In December 2007, as part of a background investigation, the Local Security Office (LSO) conducted a Personnel Security Interview (PSI) of the individual to address his use of alcohol and his alcohol-related arrests. In addition to the PSI, the LSO requested the individual's medical records and recommended a psychiatric evaluation of the individual in September 2008. The DOE psychiatrist diagnosed the individual as Alcohol Dependent without physiological dependence, in sustained partial remission. The DOE psychiatrist further opined that the individual suffers from Chronic Mild Depression that is either coexisting or contributing to the individual's Alcohol Dependence. She added that the individual's mental illness causes or may cause a significant defect in his judgment and reliability and that the individual has not yet demonstrated adequate evidence of rehabilitation or reformation.

1/ Access authorization is defined as an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material. 10 C.F.R. § 710.5(a).

In addition to the individual's alcohol arrests and Alcohol Dependence diagnosis, the individual provided discrepant information during various security interviews and on a security questionnaire regarding his alcohol use.

In February 2009, the LSO sent a letter (Notification Letter) advising the individual that it possessed reliable information that created a substantial doubt regarding his eligibility to hold an access authorization. In an attachment to the Notification Letter, the LSO explained that the derogatory information fell within the purview of four potentially disqualifying criteria set forth in the security regulations at 10 C.F.R. § 710.8, subsections (f), (h) (j) and (l) (hereinafter referred to as Criteria F, H, J and L respectively). 2/

Upon receipt of the Notification Letter, the individual filed a request for a hearing. The LSO transmitted the individual's hearing request to the Office of Hearings and Appeals (OHA), and the OHA Director appointed me as the Hearing Officer in this case. At the hearing that I convened, the DOE Counsel called one witness, the DOE psychiatrist. The individual called five witnesses, including a licensed psychologist, his supervisor, his minister, his wife and his Alcoholics Anonymous (AA) sponsor. The DOE and the individual submitted a number of written exhibits prior to and during the hearing.

II. Regulatory Standard

A. Individual's Burden

A DOE administrative review proceeding under Part 710 is not a criminal matter, where the government has the burden of proving the defendant guilty beyond a reasonable doubt. Rather, the standard in this proceeding places the burden on the individual because it is designed to protect national security interests. This is not an easy burden for the individual to sustain. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denial"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

2/ Criterion H relates to information that a person has "[a]n illness or mental condition of a nature which, in the opinion of a psychiatrist or licensed clinical psychologist, causes or may cause, a significant defect in judgment or reliability." 10 C.F.R. § 710.8(h). Criterion J relates to information that a person has "[b]een, or is, a user of alcohol habitually to excess, or has been diagnosed by a psychiatrist or a licensed clinical psychologist as alcohol dependent or as suffering from alcohol abuse." 10 C.F.R. § 710.8(j). Criterion F concerns information that the individual has "misrepresented, falsified, or omitted significant information from a Personnel Security Questionnaire or a Questionnaire for Sensitive Positions, Personnel Qualifications Statement, a Personnel Security Interview, written or oral statements made in response to an official inquiry on a matter that is relevant to a determination regarding eligibility for DOE access authorization. . . ." 10 C.F.R. § 710.8(f). Criterion L relates in relevant part to information that a person has "[e]ngaged in unusual conduct or is subject to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy; . . ." 10 C.F.R. § 710.8(l).

The individual must come forward at the hearing with evidence to convince the DOE that restoring his access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

B. Basis for the Hearing Officer’s Decision

In personnel security cases arising under Part 710, it is my role as the Hearing Officer to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). I am instructed by the regulations to resolve any doubt as to a person’s access authorization in favor of the national security. *Id.*

III. The Notification Letter and the Security Concerns at Issue

As stated above, the LSO cites four criteria as bases for suspending the individual’s security clearance, Criteria F, H, J and L. To support Criterion F, the LSO relies on information in its possession that the individual provided discrepant and misinformation regarding his alcohol consumption and alcohol arrests. To support Criterion H, the LSO relies on the DOE psychiatrist’s opinion that the individual suffers from Alcohol Dependence, a mental condition which causes, or may cause, a defect in the individual’s judgment or reliability. With respect to Criterion H, the LSO also relies on information regarding the individual’s participation in alcohol and drug programs, as well as the individual’s admission during substance abuse assessments that he suffered significant alcohol-related problems including blackouts and depression. To support Criterion J in this case, the LSO relies, *inter alia*, on the following information: (1) in October 1981 and August 2007, the individual was arrested and charged with Driving While Intoxicated (DWI); (2) in January 1993, the individual was arrested and charged with Driving Under the Influence (DUI) and, as a result, entered an alcohol and drug treatment program; (3) the individual stated in a 1994 Personnel Security Interview (PSI) that he was required to attend AA meetings while in an alcohol treatment program in 1993; and (4) the individual stated during a 2007 PSI that for six months after his 1993 DUI, he discontinued his alcohol consumption, but later resumed drinking alcohol in 2003. Finally, the LSO relies on the individual’s alcohol use, alcohol-related arrests, his diagnosis of Alcohol Dependence and the discrepant information provided by the individual regarding his alcohol use to support its reliance on Criterion L in this case. *See* Statement of Charges.

I find that the information set forth above constitutes derogatory information that raises questions about the individual’s mental health under Criterion H and his alcohol use under Criterion J. The security concerns associated with Criteria H and J are as follows. First, a mental condition such as Alcohol Dependence can impair a person’s judgment, reliability and trustworthiness. *See* Guideline

I of the *Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* issued on December 29, 2005, by the Assistant to the President for National Security Affairs, The White House. Second, the excessive consumption of alcohol itself is a security concern because that behavior can lead to the exercise of questionable judgment and the failure to control impulses, which in turn can raise questions about a person's reliability and trustworthiness. *See id.* at Guideline G.

I find also that the information stated above constitutes derogatory information under Criterion F. False statements or misrepresentations by an individual in the course of an official inquiry regarding a determination of eligibility for DOE access authorization raise serious issues of honesty, reliability, and trustworthiness. The DOE security program is based on trust, and when an access authorization holder breaches that trust, it is difficult to determine to what extent the individual can be trusted again in the future. *See, e.g., Personnel Security Hearing* (Case No. VSO-0281), 27 DOE ¶ 82,821 at 85,915 (1999). This security concern applies, however, only to misstatements that are "deliberate" and involve "significant" information. 10 C.F.R. § 710.8 (f) (Criterion F). The information set forth above also raises questions about the individual's judgment and reliability under Criterion L.

IV. Findings of Fact

The relevant facts in this case are uncontested. The individual began drinking alcohol, usually in social settings, during his junior or senior year in high school. DOE. Exh. 4. His alcohol consumption became heavier while he was in college from 1976-1980. At this time, the individual indicated that he drank alcohol mostly on weekends, drank to intoxication on many weekends, experiencing blackouts on one or two occasions. He indicated that when he becomes intoxicated he experiences a loss of coordination, slurred speech, and impaired judgment. The individual's alcohol consumption did not rise to a level of legal significance until 1981 when he was arrested and charged for speeding and DWI while in the Navy. *Id.* At that time, the individual indicated that he had consumed about five beers when he was pulled over by the police. He was subsequently ordered to attend a Navy alcohol awareness program. The individual was arrested again for DUI in 1993. *Id.* As a result, the individual's license was suspended and he was required to attend an alcohol and drug safety program. According to the individual, at the time of this arrest, he had been out to dinner where he drank about two beers and later that same day drank about six more beers at a bar. *Id.* Most recently, the individual was arrested and charged with DWI in August 2007. On this occasion, the individual was pulled over for weaving in traffic and the police officer detected the smell of alcohol. He was taken to a police station and administered two Breathalyzer tests. The first test registered 0.16% and the second test registered 0.17%. As a result of this arrest, an interlock device was installed on the individual's vehicle, the individual was placed on probation and he was ordered to complete a substance abuse assessment, as well as attend alcohol education classes. *Id.* The individual indicated that he did not consume alcohol from August through October 2007. However, in November 2007, the individual admitted that he violated the terms of his probation by consuming

two glasses of Brandy. 3/ According to the record, the individual could not offer a reason as to why he violated his probation. *Id.*

In September and October 1993, June 1994, April 1998, October 1999 and May 2004, the individual signed DOE Security Acknowledgments where he acknowledged that he was aware that the use of alcohol habitually to excess could result in the loss of his security clearance. In addition, on a security questionnaire in 1993, the individual responded negatively to a question regarding his use of alcohol ever resulting in an arrest by police. *Id.* In another 1993 security interview, the individual indicated that he intended to use alcohol occasionally in the future on a social basis only and intended to never become intoxicated again. The DOE made a determination to grant the individual's security clearance in 1994 based upon these statements. However, after the individual's 2007 DWI and during his 2007 PSI, the individual was questioned about these statements and admitted that he did not follow through on his intentions. In addition, in a 1994 PSI, the individual initially denied being charged with an alcohol-related offense in 1981. Also, in his 2007 PSI, the individual provided statements to DOE that proved to be false when he stated that he did not intend to drink at all in the future but later indicated to a DOE psychiatrist that he drank alcohol on two occasions in 2008.

As a result of a 2007 PSI, the individual was referred for a forensic psychiatric evaluation in August 2008. During the course of this evaluation, the individual indicated that he drank a "few drinks" in April 2008 after his probation was completed. He also reported that he drank two beers in June 2008. Based on her evaluation, the DOE psychiatrist concluded that the individual met the criteria for Alcohol Dependence. She further concluded that the individual has an illness which causes or may cause a significant defect in judgment and reliability.

V. Analysis

I have thoroughly considered the record in this proceeding, including the submissions tendered in this case and the testimony of the witnesses presented at the hearing. In resolving the question of the individual's eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c). 4/ After due deliberation, I have determined that the individual's access authorization should not be restored. I cannot find that restoring the individual's DOE security clearance will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.27(a). The specific findings that I make in support of this decision are discussed below.

3/ The individual also consumed alcohol on two other occasions in November 2007, but asserts that he was not violating the terms of his probation on these occasions because he was in a different jurisdiction at the time.

4/ Those factors include the following: the nature, extent, and seriousness of the conduct, the circumstances surrounding the conduct, to include knowledgeable participation, the frequency and recency of the conduct, the age and maturity at the time of the conduct, the voluntariness of his participation, the absence or presence of rehabilitation or reformation and other pertinent behavioral changes, the motivation for the conduct, the potential for pressure, coercion, exploitation, or duress, the likelihood of continuation or recurrence, and other relevant and material factors.

A. The Diagnosis of Alcohol Dependence - Criteria H and J

The individual did not dispute that he suffers from Alcohol Dependence under the criteria set forth in DSM-IV-TR. The pivotal question before me, therefore, is whether the individual has presented convincing evidence that he is adequately rehabilitated or reformed from his Alcohol Dependence.

B. Rehabilitation and Reformation from Alcohol Dependence

1. The Individual's Testimony

At the hearing, the individual testified convincingly that he has not consumed alcohol since June 15, 2008. Transcript of Hearing (Tr.) at 136. He testified that after his 2007 DUI, he was placed on probation and ordered to abstain from alcohol. However, he admitted to drinking alcohol on two or three occasions while on probation and attributed his drinking to his denial that he had an alcohol dependence problem. *Id.* at 136-137. He further testified that prior to June 2008, he did not recognize or accept that he had an alcohol problem. *Id.* The individual testified that he recognized that he had to completely abstain from alcohol in August 2008, when his clearance was suspended. *Id.* at 141. At this time, the individual stated that he resumed aftercare treatment with an alcohol counselor who "started forcing [the individual] to rationally consider his condition." *Id.* at 142. The individual provided documentary evidence from his alcohol counselor to confirm that he attended aftercare treatment from August 11, 2008 through the end of March 2009. *See* Indiv. Exh. 6. He testified that he attends AA which has been "very beneficial" to him, especially on a spiritual level and further that he has completed Step Four of AA. *Id.* at 149, 189. To corroborate his testimony, the individual presented sign-in sheets from AA which show that he attended meetings between August 27, 2008, and June 19, 2009. Indiv. Exh. 2. He also submitted blood test results which indicate no evidence of alcohol in his system. Indiv. Exh. 4. In addition, he tendered voluntary recovery plans dated October 9, 2008, that he made as part of his aftercare treatment.

At the hearing, the individual admitted that the loneliness and travel aspect of his work have contributed to his drinking in the past, but testified that he currently does not have the urge to drink when he travels. *Id.* at 154. He attributed this control to the lessons and guidance he has learned from his attendance at AA meetings. *Id.* The individual further testified that he has attended four counseling sessions with a clinical mental health counselor to address his depression and anxiety. *Id.* at 160. When questioned about the discrepant information he provided during a 2007 PSI and on a security questionnaire, the individual admitted that he was in denial about his alcohol problem, rationalized his use and thus framed his answers accordingly. *Id.* at 171-173. The individual concluded his testimony by reaffirming his intention to never drink again.

2. The Testimony of his Wife, Minister and Supervisor

The individual and his wife have been married for 25 years. *Id.* at 41. The wife described the individual's drinking habits as casual drinking until the 1990s and testified that the individual's drinking increased around 2006, when she observed that the individual drank too much and would pass out. *Id.* at 46. The wife further testified that the individual called her the night of his 2007 DWI and stated that she has observed a change in the individual's drinking since that arrest. *Id.* at 47. She testified that the individual has not drank alcohol since June 2008 and believes that he is committed to abstaining from alcohol and will continue AA meetings. *Id.* at 51.

The individual's minister has known the individual for about a year and a half. *Id.* at 19. He testified that the individual attends worship services at his church three times a month and is regularly involved with a worship team, as well as other activities in the church. *Id.* at 19-20. The individual's minister also testified that he has spiritually counseled the individual since September 2008, and is aware that the individual has struggled with alcohol dependence issues for some time. *Id.* at 21. He testified that the individual has been able to "compartmentalize" or separate his drinking from his spiritual beliefs. *Id.* at 30. Based on his counseling sessions with the individual, the minister believes that although alcohol will be a struggle for the individual for life, the individual has made a strong commitment to recovery. *Id.* at 24.

The individual's supervisor has known the individual for two years and is a member of the same church as the individual. *Id.* at 122-123. He described the individual's work performance as excellent and has never seen evidence that the individual has an alcohol problem. *Id.* at 125. The supervisor further testified that the individual is forthright, reliable and trustworthy. *Id.* at 127.

3. The AA Sponsor's Testimony

The individual's AA sponsor testified that he has known the individual for about a year and has sponsored him for approximately six months. *Id.* at 60. The sponsor, who has been sober himself for 23 years, testified that he regularly attends meetings with the individual and is working on the steps of AA with him. *Id.* He believes the individual is doing well in AA and now understands the severity of alcoholism. *Id.* at 62. He testified that denial has been a significant issue for the individual, but that the individual now recognizes that he has an alcohol problem. *Id.* at 64. The AA sponsor further testified that the individual, who has received a medallion for one year of sobriety, is doing everything he needs to do to succeed. *Id.* at 65.

4. The Testimony of the Individual's Psychologist

The psychologist testified that he conducted a four-hour interview of the individual in June 2009, about a month prior to the hearing. *Id.* at 106. He testified that he immediately made a connection with the individual and opined that the individual's commitment to abstinence is sincere. *Id.* at 107. The psychologist agreed with the DOE psychiatrist's primary diagnosis of Alcohol Dependence without physiological dependence, but opined that the individual is now in sustained full remission because it has now been ten months since the DOE psychiatrist evaluated the individual. *Id.* at 108. He concluded that the fact that the individual has been abstinent for over a year meets the criteria for

sustained full remission. ^{5/} *Id.* However, the psychologist differed in his opinion as to whether the individual is rehabilitated. The psychologist concluded that at this point in time, the individual is successfully rehabilitated from his Alcohol Dependence. *Id.* at 109. He explained that although the individual has “fallen off the wagon” on five occasions, “it is not unusual for me to see that sort of behavior of incomplete abstinence.” *Id.* at 112. He noted that the individual has received a lot of alcohol treatment and although “it was not as effective as we would have liked it to be . . . “this is an individual who has been heading in this direction over a period of time.” *Id.* He concluded that the individual’s 10 months of AA, one year of abstinence and individual psychotherapy and counseling is an ample demonstration of the individual’s intent to remain abstinent. *Id.* at 119-120.

5. The DOE Psychiatrist’s Testimony and Report

The DOE psychiatrist stated in her Psychiatric Report that the individual could not be considered adequately rehabilitated until he had “produced documented evidence of attendance at AA for a minimum of 100 hours with a sponsor, at least twice a week, for a minimum of one year and be completely abstinent from alcohol and all non-prescribed controlled substances for a minimum of one year following completion of the program.” DOE Exh. 3 at 19. According to the DOE psychiatrist, this would equal two years of sobriety. *Id.* She added that she would also require individual psychotherapy or counseling with a qualified mental health professional to further assess and address a possible mood or anxiety disorder. *Id.* After listening to the testimony of all the witnesses in this case, the DOE psychiatrist determined that the individual’s rehabilitation efforts are not adequate at this time. Tr. at 226. She further opined that one year of abstinence is not adequate to lower the risk of relapse, and the presence of a coexisting psychiatric illness, such as a mood disorder (although mild) in this case, “gives a poorer prognosis for the alcohol dependence to be recovered adequately.” *Id.* at 227. Although she believes the individual has started the process of rehabilitation, she testified that the individual is still in the early phases of recovery. The DOE psychiatrist reiterated that the individual is on the right path, but his risk of relapse in the immediate future is still moderate. *Id.* at 237. She indicated that the risk of relapse decreases when there is sustained abstinence over a period of time. While she does not doubt the individual’s intent and motivation to abstain, she concluded that it is the time of the individual’s abstinence that is not sufficient. *Id.* at 250.

6. Hearing Officer’s Evaluation

In the administrative process, it is the Hearing Officer who has the responsibility for assessing whether an individual with alcohol problems has presented sufficient evidence of rehabilitation or reformation. See 10 C.F.R. § 710.27. Hearing Officers properly give deference to the expert opinions of psychiatrists and other mental health professionals regarding rehabilitation and reformation. See *Personnel Security Hearing*, Case No. TSO-0215, (2005), *Personnel Security Hearing*, Case No. TSO-0466, (2007).

^{5/} The psychologist also added a secondary diagnosis of Adjustment Disorder with both Anxiety and Depressed Mood based on the individual’s response on a psychological evaluation tool. I make no finding with regard to this mental condition as it is not before me.

Regarding rehabilitation and reformation, I gave considerable weight to the opinion of the DOE psychiatrist, who opined that the individual should have two years of sobriety, as well as individual psychotherapy or counseling with a qualified mental health professional to further assess and address a possible mood or anxiety disorder, in order to achieve rehabilitation. Moreover, from a common-sense perspective, the following factors militate against restoring the individual's access authorization. Although the individual has taken positive steps toward rehabilitation, including his participation in AA and his treatment with the counselor, and has demonstrated his intent and commitment to remain abstinent, I agree with the DOE psychiatrist that the individual is only in the early stages of recovery and needs further time remaining abstinent to lower his risk of relapse and accomplish rehabilitation. This is particularly true in this case given that the individual has relapsed on five occasions during other periods when he tried to maintain sobriety. As of the date of the hearing, the individual had maintained sobriety just over a year. I also agree with the opinion of the DOE psychiatrist that while the individual is definitely on the right path to recovery, he was in a state of denial for quite some time which was evidenced by his alcohol-related arrests. While the individual convinced me that he is now committed to complete abstinence, not enough time has elapsed for me to find that the individual will be successful in maintaining his sobriety. Again, I found the DOE psychiatrist's opinion informative on this point. She opined that the individual's current risk of relapse is moderate; whereas that risk becomes low after two years of sobriety. Based on the record before me, I find that after the individual achieves an additional year of sobriety, he will be adequately rehabilitated from Alcohol Dependence. At this time, however, I find that the individual has not yet mitigated the security concerns associated with his Alcohol Dependence.

C. Mitigation of Criterion F and L Concerns

As stated above, the LSO cited Criterion F as one of the bases for the security concerns in this case. The key issue under Criterion F is whether the individual has brought forward sufficient evidence to demonstrate that he can now be trusted to be consistently honest and truthful with the DOE. In considering this question, I found that the nature of the individual's misrepresentations was serious. The individual's lack of candor concerning his alcohol consumption could increase his vulnerability to coercion or blackmail and raises important security concerns. The DOE must rely on persons who are granted access authorization to be honest and truthful; this important principle underlies the criterion set forth in 10 C.F.R. § 710.8(f).

During the hearing, the individual was questioned about the discrepant information he provided regarding his alcohol use and alcohol-related arrests. He admitted that when answering security questions and responding to questions during his PSIs, he was in denial and rationalized his drinking. Tr. at 195.

After considering the evidence before me, I find that the individual has mitigated the security concerns arising from the discrepant information regarding his alcohol use and alcohol-related arrests. It is clear from the record that the individual was in denial about his alcohol problem. As a consequence of his denial, the individual minimized his consumption and arrests and thus was not forthcoming in his responses to DOE. In light of the individual's denial, I do not believe the individual deliberately and intentionally sought to provide false information. The record also

supports the fact that the individual is in the early phases of recovery and has only recently, over the past year, came to realize the serious nature of his alcohol problem. I am also persuaded by the testimony of the individual's witnesses who consistently stated that the individual is an honest person. Based on the foregoing, I find that the individual has mitigated the security concerns raised by Criterion F. However, with respect to the Criterion L security concerns which relate, *inter alia*, to the individual's diagnosis of Alcohol Dependence, I believe these concerns are inextricably intertwined with the judgment and reliability concerns found in Criteria H and J. Until the individual has sufficiently mitigated the security concerns associated with his Alcohol Dependence, which affect his judgment and reliability, I cannot find that the individual has sufficiently mitigated the LSO's concerns under Criterion L.

VI. Conclusion

In the above analysis, I have found that there was sufficient derogatory information in the possession of the DOE that raises serious security concerns under Criteria F, H, J and L. After considering all the relevant information, favorable and unfavorable, in a comprehensive common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the individual has brought forth convincing evidence to mitigate the security concerns associated with Criterion F. However, I also find that the individual has not brought forth convincing evidence to mitigate the security concerns associated with Criteria H, J and L. I am therefore unable to find that restoring the individual's access authorization would not endanger the common defense and security and would be consistent with the national interest. Accordingly, I find that the individual's access authorization should not be restored at this time. The individual may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Kimberly Jenkins-Chapman
Hearing Officer
Office of Hearings and Appeals

Date: September 10, 2009